IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8466 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

L H PARMAR

Versus

DEPUTY DIRECTOR

Appearance:

MR YN OZA for Petitioner

MR RJ OZA for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE B.C.PATEL

Date of decision: 08/09/2000

ORAL JUDGEMENT

The petitioner, belonging to Scheduled Caste, was appointed as Craft Instructor in 1977 by Social Welfare Department of the State of Gujarat. The petitioner has stated in the petition that he was duly qualified and, therefore, he was appointed and has discharged his duties

sincerely. His case is that though he was at Sl. No. 342, persons below him have been promoted to the higher post. It was further contended that he was not allowed to cross efficiency bar and was allowed to cross efficiency bar only from 1.1.1986.

Despite the order passed by the Court, the respondents have not chosen to file reply in the matter. This Court would have passed an order straight away, calling upon the State to grant all the benefits, but unfortunately, there is no averment in the petition that there was no enquiry pending against him or that he has never faced any departmental enquiry.

Under the circumstances, it is directed that the petitioner may make a representation to the Respondent No.2 within a period of fifteen days from today. It will be open for the petitioner to place further material before the Director, Employment & Training, Sachivalaya, Gandhinagar. It is stated by the learned advocate for the petitioner that the petitioner is likely to retire by the end of this year. Under the circumstances, it is directed that the Respondent No. 2 shall consider the representation on merits and decide the same by a speaking order within a period of one month from the date of receipt of the application from the petitioner. If the decision rendered is adverse to the petitioner, it will be open for him to challenge the said decision irrespective of the fact that this this petition filed by the petitioner has been disposed of by this order.

Rule made absolute accordingly. No order as to costs.

csm./ (B.C. PATEL, J.)